

530 Las Vegas Boulevard South  
Las Vegas, NV 89101  
Facsimile (702) 385-3373  
Telephone (702) 385-5024

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Susan M. Freeman AZ State Bar No. 004199  
Email: sfreeman@lrlaw.com  
Rob Charles NV State Bar No. 006593  
Email: rcharles@lrlaw.com  
Anne M. Loraditch, NV State Bar No. 008164  
Email: aloraditch@lrlaw.com

Attorneys for USACM Liquidating Trust

ORRICK, HERRINGTON & SUTCLIFFE LLP  
MARC A. LEVINSON (CA 57613, pro hac vice)  
JEFFERY D. HERMANN (CA 90445, pro hac vice)  
400 Capitol Mall  
Sacramento, California 95814  
Telephone: (916) 447-9200  
Facsimile: (916) 329-4900  
Email: malevinson@orrick.com  
jhermann@orrick.com

SNELL & WILMER, LLP  
ROBERT R. KINAS (NV 006019)  
CLAIRE DOSSIER (NV 010030)  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, Nevada 89169  
Telephone: (702) 784-5200  
Facsimile: (702) 784-5252  
Email: rkinas@swlaw.com  
cdossier@swlaw.com

Attorneys for Post-Effective Date USA Capital Diversified Trust Deed Fund, LLC

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under  
Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING; OBJECTION  
OF USACM TRUST TO AUGUSTINE  
TUFFANELLI FAMILY TRUST'S  
CLAIM FILED IN WRONG DEBTOR'S  
CASE; OBJECTION OF DTDF TO  
PROPOSED ALLOWANCE OF CLAIM**

Hearing Date: October 15, 2007  
Hearing Time: 9:30 a.m.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**NOTICE OF OBJECTION TO CLAIM**

**THE USACM LIQUIDATING TRUST AND USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT, THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 5, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO THE UNDERSIGNED COUNSEL.**

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is based upon an equity interest in USA Capital Diversified Trust Deed Fund, LLC ("DTDF") Case No. 06-10727. DTDF, by and through its counsel, further objects to any proposed allowance of your claim against the DTDF estate because your equity interest in DTDF has already been deemed allowed. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and DTDF. If the Court grants the requested relief, it will not affect your existing equity interest in the DTDF estate to the extent you hold an equity interest in DTDF.

**NOTICE IS FURTHER GIVEN** that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegle, United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007 at the hour of 9:30 a.m.** **THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**

1 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**  
2 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**  
3 **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**  
4 **FILED AGAINST USACM AND THE DTDF.**

5 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by  
6 the Court, any response to the Objection must be filed by October 5, 2007 pursuant to  
7 Local Rule 3007(b), which states:

8 If an objection to a claim is opposed, a written response must be filed and  
9 served on the objecting party at least 5 business days before the scheduled  
10 hearing. A response is deemed sufficient if it states that written  
11 documentation in support of the proof of claim has already been provided to  
the objecting party and that the documentation will be provided at any  
evidentiary hearing or trial on the matter.

12 If you object to the relief requested, you *must* file a **WRITTEN** response to  
13 this pleading with the Court. You *must* also serve your written response on  
the person who sent you this notice.

14 If you do not file a written response with the Court, or if you do not serve  
15 your written response on the person who sent you this notice, then:

- 16 • The Court may *refuse to allow you to speak* at the scheduled hearing;  
and
- 17 • The Court may *rule against you* without formally calling the matter at  
18 the hearing.

Dated: September 14, 2007.

**SNELL & WILMER, LLP**

By /s/ Robert R. Kinas  
Robert R. Kinas  
Claire Dossier  
3883 Howard Hughes Parkway, Suite 1100  
Las Vegas, NV 89169  
Telephone (702) 784-5200  
Facsimile (702) 784-5252

and

**ORRICK, HERRINGTON &  
SUTCLIFFE LLP**

Marc A. Levinson  
Jeffery D. Hermann  
400 Capitol Mall, Suite 3000  
Sacramento, CA 95814-4497  
*Attorneys for Post-Effective Date USA  
Capital Diversified Trust Deed Fund, LLC*

**LEWIS AND ROCA LLP**

By: /s/ Anne M. Loraditch (008164)  
Susan M. Freeman  
Rob Charles  
Anne M. Loraditch  
530 Las Vegas Boulevard South  
Las Vegas, NV 89101  
Telephone: (702) 385-3373  
Facsimile: (702) 385-5024  
*Attorneys for USACM Liquidating Trust*

Copy of the foregoing  
Mailed this 14th day of  
September, 2007 to:

Augustine Tuffanelli Family Trust  
Augustine Tuffanelli Trustee  
c/o Thomas R Brooksbank  
689 Sierra Rose Drive, Suite A2  
Reno, NV 89511

By /s/ Patricia M. Kois  
Patricia M. Kois, Lewis and Roca LLP